

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH DAKOTA
CENTRAL DIVISION**

HEMP QUARTERS 605 LLC

PLAINTIFFS

v.

Case No. 3:24CV-3016-ECS

**GOVERNOR KRISTI NOEM, in her official
as Governor of the State of South Dakota; and
ATTORNEY GENERAL MARTY JACKLEY
in his official capacity as Attorney General of the
State of South Dakota**

DEFENDANTS

MOTION TO DISMISS

COMES Plaintiff, **Hemp Quarters 605, LLC**, by and through undersigned counsel, Hall Booth Smith, P.C. & Marlow, Woodward & Huff, Prof. LLC, for its Motion to Dismiss, states:

1. Rule 41(a)(2) of the Federal Rules of Civil Procedure allows the Plaintiff to voluntarily dismiss its claims against Defendants upon Motion. *Hamm v. Rhone-Poulenc Rorer Pharm., Inc.*, 187 F.3d 941, 950 (8th Cir. 1999).

2. Based on the recent Eighth Circuit opinion in *Bio Gen LLC v. Sanders*, No. 23-3237, 2025 WL 1740322 (8th Cir. June 24, 2025), Plaintiff desires to dismiss this action without prejudice pursuant to Rule 41(a)(2) of the Federal Rules of Civil Procedure.

3. The plaintiff requests that the dismissal be without prejudice and with each of the parties bearing their own fees and costs.

4. Defendants will not be prejudiced by the dismissal.

WHEREFORE Plaintiff prays that the Court grant this Motion; that the matter be dismissed without prejudice; that each party be responsible for their own fees and costs; and for all other proper relief.

Dated this 21st day of July, 2025.

/s/ Nicholas G. Moser

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